



Report Committee of Adjustment

Filing Date: December 18, 2024

Hearing Date: February 25, 2025

File: A-2024-0476

**Owner/
Applicant:** Tarun Ahlawat, Manju Kumari

Address: 1 Tennant Drive

Ward: 9

Contact: François Hémon-Morneau, Principal Planner/ Supervisor

Recommendations:

That application A-2024-0476 is supportable, subject to the following conditions being imposed:

1. That the extent of the variances be limited to that shown on the sketch attached to the Notice of Decision;
 2. That the below grade entrance shall not be used to access an unregistered second unit;
 3. That drainage on adjacent properties shall not be adversely affected;
 4. That the applicant shall extend the existing fence to screen the below grade entrance in a manner that no parts of the entrance will be visible from the public realm.
 5. That failure to comply with and maintain the conditions of the Committee shall render the approval null and void.
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Background:

The Minor Variance application is seeking approval to construct a below grade entrance with stairs located within the required side yard. Variances are therefore being requested to permit a reduced exterior side yard setback and location of the proposed stairway leading to a below grade entrance.

Existing Zoning:

The property is zoned 'Residential Single Detached D – (R1D)' and Special Section 1257, according to By-law 270-2004, as amended.

Requested Variances:

The applicant is requesting the following variances:

1. To permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required exterior side yard; and
2. To permit a proposed exterior side yard setback of 1.73 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres.

Current Situation:

1. Maintains the General Intent and Purpose of the Official Plan

The subject property is designated as 'Residential' in the Official Plan and 'Low Density Residential 1' in the Springdale Secondary Plan (Area 2).

The subject property is designated as 'Community Areas' (Schedule 1A – City Structure) and 'Neighbourhood' (Schedule 2 – Designations) in the Brampton Plan. On May 16th, 2024, the Region of Peel formally issued a notice of approval with modifications for the City of Brampton's new Official Plan, known as the 'Brampton Plan.' The Plan was scheduled to take effect on June 6th, 2024, except for any sections that may be subject to appeal. Schedules 1A and 2 have been appealed on a city-wide basis and therefore the 2006 Official Plan designations are in effect until the appeal is resolved.

As stated in Section 3.2.8.2 (ii) of the City's Official Plan, an additional residential unit must be in compliance with the Ontario Building Code and/or Fire Code and Property Standards By-law and other applicable approval requirements. The requested variances have no impact within the context of the policies of the Official Plan and Secondary Plan and maintain the general intent and purpose of the Official Plan.

2. Maintains the General Intent and Purpose of the Zoning By-law

Variance 1 is requested to permit a proposed exterior stairway leading to a below grade entrance in a required side yard, whereas the by-law does not permit exterior stairways constructed below established grade in the required exterior side yard. Variance 2 is requested to permit a proposed exterior side yard setback of 1.73 metres to a stairway leading to a below grade entrance, whereas the by-law requires a minimum exterior side yard setback of 3.0 metres. The intent of the by-law in requiring a minimum exterior setback between a below grade entrance in the required side yard is to ensure that the location of the entrance does not negatively impact the aesthetic of the overall streetscape and that sufficient space is maintained for drainage and access to the rear yard.

The subject property features a single detached dwelling situated on a corner lot with rear yard access to the rear yard provided on both sides of the dwelling. The proposed below grade entrance will be accessed by a staircase located along the southwestern wall of the dwelling. The below grade entrance and associated stairway will result in an exterior side yard setback that does not comply with the by-law. The below grade entrance is not anticipated to limit access to any portion of the property as appropriate separation between the staircase and property line will be maintained. The below grade entrance is proposed to be located behind a future extended privacy fence that will enclose the amenity area of the property. A condition of approval is recommended that the applicant shall extend the existing fence to screen the below grade entrance in a manner that no parts of the entrance will be visible from the public realm. Subject to the recommend conditions of approval, the variance maintains the general intent and purpose of the Zoning By-law.

3. Desirable for the Appropriate Development of the Land

The applicant is requesting variances to facilitate the construction of a proposed below grade entrance along the southwestern wall of the dwelling facing the street. The configuration of the entrance contemplates a below grade entrance accessed by a staircase with an extended privacy fence. Staff do not anticipate any negative impacts to drainage or access to portions of the property and consider the location of the below grade entrance appropriate given the site context. The below grade entrance will be screened by a proposed fence as shown on the site plan. Conditions of approval are recommended that the below grade entrance shall not be used to access an unregistered second unit and that drainage on adjacent properties should not be adversely affected. Subject to the recommended conditions of approval, the variance is considered desirable for the appropriate development of the land.

4. Minor in Nature

The requested variances are not considered to have significant impact on drainage or limiting access to the property. The location of the proposed below grade entrance is appropriate given the site context and proposed privacy fence extension to screen it from the public realm. Subject to the recommended conditions of approval, the variances are deemed minor in nature.

Respectfully Submitted,

François Hémon-Morneau

François Hémon-Morneau, Principal Planner/ Supervisor

Appendix A - Site Visit Photos

